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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Christof Erban

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EXAMINER

HERRING, BRENT W

ART UNIT

PAPER NUMBER

3633

NOTIFICATION DATE

DELIVERY MODE

08/26/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/566,966	Applicant(s) ERBAN, CHRISTOF	
	Examiner BRENT W. HERRING	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20,22-36,38 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20,22-36,38 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05042009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 4 May 2009 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

2. Claim 27 is objected to because of the following informalities: wherein applicant claims that "the fastening element does not project from surfaces of the first and second substrate," it is unclear which surfaces applicant refers to since it is clear from the disclosed embodiments that the fastening element does project from some of the surfaces. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 24 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 24 recites the limitation "the drillhole" in the body of the claim. There is insufficient antecedent basis for this limitation in the claim. Note that claim 23 claims

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wherein "a recess in at least one of the substrates that is a through-drillhole." The language of claim 24 should clearly differentiate between the through-drillhole of claim 23 and the drillhole that only emerges in a face of the at least one of the substrates which is turned toward the adhesive of claim 24.

6. Claim 34 recites the limitation "the substrate." It is unclear if applicant is referring to the first substrate or the second substrate. The language should be amended for clarification of antecedence.

Claim Rejections - 35 USC § 102

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 20, 22-23, 26, 29-33, 35-36, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Sherts, US 2,359,163.

Regarding claim 20:

'163 discloses a laminated, plate-shaped element comprising: at least a first and a second substrate (19, see Figs 2-6), which are joined together, at least indirectly, by a layer of thermoplastic resin adhesive bonding (17, col. 1, ln. 53 to col. 2, ln. 5) to form a bonded joint;

at least one support element (25, see Fig. 2) associated with the first substrate capable of fastening the laminated element to an infrastructure; and

active position fastening of the second substrate (via 30), at least in the event of failure of the bonded joint, wherein the active position fastening is active

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only between the first and second substrates (see Figs. 4, 5) and is placed a certain distance from edges of the first and second substrates (see Fig. 1), and the active position fastening comprises at least one fastening element (27, 30) passing through a plane of a bonded assembly between the first and second substrates and engaging in a recess in each of the first and second substrates.

Regarding claim 22:

'163 discloses claim 20, wherein the first and second substrates are joined together by surface bonding by the layer of adhesive (17).

Regarding claim 23:

'163 discloses claim 21, further comprising a recess in at least one of the substrates that is a through-drillhole (see Fig. 1).

Regarding claim 26:

'163 discloses claim 21, wherein the fastening element is a cylindrical pin (see Figs. 1-5).

Regarding claim 29:

'163 discloses claim 20, wherein a fastening element for the active position fastening is fastened by adhesive bonding (45) in a recess into which the fastening element is introduced.

Regarding claim 30:

'163 discloses claim 20, wherein a fastening element for the active position fastening is immobilized by adhesion (45) in a recess into which the fastening element is introduced.

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Regarding claim 31:

'163 discloses claim 30, wherein the fastening element comprises at least one element (45) configured to be capable of deforming elastically or plastically upon introduction of the fastening element into the recess.

Regarding claim 32:

'163 discloses claim 20, wherein a fastening element for the active position fastening is fastened by an assembly of the first and second substrates with the adhesive, in a recess into which the fastening element is introduced (see Fig. 5).

Regarding claim 33:

'163 discloses further comprising at least one functional element placed between the first and second substrates (button 42, see Fig. 4).

Regarding claim 35:

'163 discloses claim 20, wherein an edge of the laminated element is joined to support elements (20, 25, 24, see Figs. 2-3).

Regarding claim 36:

'163 discloses a laminated, plate-shaped element comprising: at least a first and a second substrate (19), joined together by a layer of thermoplastic resin adhesive bonding (17) to form a bonded joint, indirectly via a spacing means (see Fig. 5);

at least one support element (25) associated with the first substrate to fasten the laminated element to an infrastructure; and

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active position fastening (30) of the second substrate at least in the event of failure of the bonded joint, wherein

the active position fastening is active, independently of the support element, only between the spacing means and the first or the second substrate, and

the active position fastening comprises at least one fastening element passing through a plane of a bonded assembly between the first and second substrates and engaging in a recess in each of the first and second substrates.

Regarding claim 38:

'163 discloses claim 36, wherein the active position fastening comprises at least one fastening element passing through the spacing means (17, 45) and engaging in a recess in each substrate.

Claim Rejections - 35 USC § 103

9. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sherts, US 2,359,163.

'163 discloses wherein the fastening element is a round tenon with a shank part, but does not expressly disclose a head part.

Examiner takes official notice that at the time of the invention, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide a head part to the fastener (30) of '163.

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The motivation to provide a head part would have been to prevent the nipple fastener from being over inserted into the bore in the panel.

10. Claims 20, 22-23, 25, 28, 35-36, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florentin et al., US 6,052,965 in view of Ostrmislensky, US 2,189,293.

Regarding claim 20:

'965 discloses a laminated, plate-shaped element comprising: at least a first and a second substrate (2, 3 see Fig. 2), which are joined together, at least indirectly, by a layer of adhesive bonding (6) to form a bonded joint;

at least one support element (10) associated with the first substrate capable of fastening the laminated element to an infrastructure; and

active position fastening of the second substrate, at least in the event of failure of the bonded joint, wherein the active position fastening is active only between the first and second substrates (12) and is placed a certain distance from edges of the first and second substrates, and

the active position fastening comprises at least one fastening element (12) passing through a plane of a bonded assembly between the first and second substrates and engaging in a recess in each of the first and second substrates.

'965 does not expressly disclose where the adhesive bonding is done with a thermoplastic resin.

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'293 discloses a dual pane glass structure that is adhesively bonded by a layer of curable casting resin.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use a curable casting resin as an adhesive seal for the glass of '965 in order to prevent shattering of the glass.

Regarding claim 22:

'965 discloses claim 20, wherein the first and second substrates are joined together by surface bonding by the layer of adhesive (6).

Regarding claim 23:

'965 discloses claim 21, further comprising a recess in at least one of the substrates that is a through-drillhole (see Fig. 2).

Regarding claim 25:

'965 discloses wherein the fastening element is a round tenon with a head part and a shank part (see Fig. 2).

Regarding claim 28:

'965 discloses further comprising visual masking in a region of the active position fastening (11).

Regarding claim 35:

'965 discloses claim 20, wherein an edge of the laminated element is joined to support elements (10).

Regarding claim 36:

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'965 discloses a laminated, plate-shaped element comprising: at least a first and a second substrate (2, 3), joined together by a layer of adhesive bonding (17) to form a bonded joint, indirectly via a spacing means;

at least one support element (10) associated with the first substrate to fasten the laminated element to an infrastructure; and

active position fastening (12) of the second substrate at least in the event of failure of the bonded joint, wherein

the active position fastening is active, independently of the support element, only between the spacing means and the first or the second substrate, and

the active position fastening comprises at least one fastening element passing through a plane of a bonded assembly between the first and second substrates and engaging in a recess in each of the first and second substrates.

Regarding claim 38:

'965 discloses claim 36, wherein the active position fastening comprises at least one fastening element passing through the spacing means (17, 45) and engaging in a recess in each substrate.

Regarding claim 39:

'965 discloses an opaque colored layer (7, see Fig. 1) in a region of an edge on a surface of the first substrate.

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11. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sherts, 2,359,163 in view of Rowland, US 5,391,411.

Regarding claim 27:

'163 discloses claim 20, but does not expressly disclose claim 27.

'411 discloses a laminated element wherein a fastening element (13, which is unshown in Figs. 1-3 and 5) does not project from surfaces of the first and second substrates.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the fastening element of '411 with the glazing assembly of '163.

The motivation to use the fastening element of '411 would have been to provide apertures to locate attachment means.

Allowable Subject Matter

12. Claims 24 and 34 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

13. Applicant's arguments filed 4 May 2009 have been fully considered but they are not persuasive.

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14. Regarding applicant's argument that Sherts does not disclose a support element, note that Figs. 1-3 show a support element (20, 24, and 25) associated with the substrate. The base area adjacent the substrate supports the substrate and attaches the structure to a surrounding frame.

15. Applicant's arguments with respect to the claims rejected by Florentin, Liu, and Sherts have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRENT W. HERRING whose telephone number is (571)270-3661. The examiner can normally be reached on Monday-Thursday, 8:00AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on (571)272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. W. H./
Examiner, Art Unit 3633

/Robert J Canfield/

Supervisory Patent Examiner, Art Unit 3635